

Drinking Water Operator Certification Program Stakeholders Committee Meeting
April 21, 2015
10:00 A.M.
California Rural Water Association Bldg., 4125 Northgate Blvd., Sacramento, CA

Members in Attendance

Larry Lyford – CA/NV AWWA
Tai Tseng – CA/NV AWWA
Charlie Judson – Weeks Drilling
Jill Duerig – Zone 7 ACWA
Steven Garner – CA/NV AWWA
John Hamner - RCAC
Wendell Wall – GDPUD
Omar Castro (by phone) – Ventura Water
Karen Cardozo (for Dr. Ramzi Mahmood)
CSUS Office of Water Programs
Dr. Stewart-Funk
(for Dr. Robert Funk) - OCT
Ruby Burgess (for Dan DeMoss) – CRWA

State Water Resources Control Board Staff

James Maughan
Julie Osborn
Wes Wilkinson
Tony Wiedemann (by phone)
Michael Rohner
Matthew Buffleben
Annette Caraway
Jon Strutzel
Bonnie Sutherland
Alice Webber

Guests in Attendance

Gary Gatowski – California Water
Kevin Ryan - USEPA
Bruce Macler - USEPA

1. Introductions/Opening Remarks: Call to order, participants welcomed by Annette Caraway at approximately 10:00 a.m. Participants introduced themselves, Water Board staff distributed the Agenda, Bagley/Keen Act, Bagley/Keen Act Guide and the Boards' response to USEPA.
2. Agenda Review: Annette Caraway opened the meeting by reviewing the agenda and asked if the order of agenda items is acceptable. No changes to the order of the agenda. This is a public meeting; all agenda items are posted at least 10 days prior to the date of the meeting, and consequently no additional items can be added.
3. Review of minutes from October 14, 2014: The minutes were reviewed and agreed upon.
4. Requests for public comments: None

5. USEPA review of the Boards' response: Kevin Ryan from USEPA stated that USEPA is pleased with the Boards' response as it has lessened USEPA concerns. Kevin also thanked the Board for all the hard work that went into the response and it is much appreciated.
There was discussion about the Water Systems' Electronic Annual Report (EAR). Tony Wiedemann from the Division of Drinking Water stated that 97% of water systems have submitted an EAR.

Question: Are the "missing" 3% staffed and is the Board confident that those systems are properly staffed?

Answer Provided by Tony Wiedemann (DDW): The Board is confident those systems are appropriately staffed.

Question: What if an EAR is not submitted?

Answer: Non-responsive systems are notified by mail regarding the delinquency and the Division of Drinking Water has procedures in place for continued non-compliance.

Public attendee Gary Gatowski asked about Title 22 reporting of Chief and Shift Operators to Water Watch website. There was confusion regarding the need for Chief Operators to be on-site at all times and who is in charge if the Chief Operator is not on-site. Jon Strutzel explained the responsibilities of the Chief Operator. For a water treatment facility a Chief or Shift operator needs to be on site when the plant is operating. (Gary thought a Chief Operator always had to be there). Jon and Tony also cleared up confusion regarding the period of time a shift operator may fill-in for a chief operator. Regulation 63750.70 states; "Shift Operator means a person in direct charge of the operation of a water treatment facility or distribution system for a specified period of the day." There is nothing in the regulations that prevents the shift operator from filling-in for the Chief Operator in his absence as long as he, the Chief Operator, can be contacted within 1 hour. Water systems are required to designate the Chief and Shift Operators and report that information to their respective Drinking Water District Offices.

Question: Is the state open to a legal challenge?

Clarification of the question was sought and the reply was, "the water system is facing challenges with pending litigation. An operator turned a valve that caused problems, damage or another issue."

Answer: Waterboard staff will research the issue and reply at the next meeting.

*Action Item: Provide answer to this question.

6. Bagley/Keene Act. Julie Osborn from the Waterboards' Office of Chief Counsel explained the purpose of the Bagley/Keene Act and presented scenarios in which it would be appropriate and inappropriate for committee members to hold conversations regarding the Stakeholders Committee. Julie further explained that the Committee is bound by the tenets of the Bagley/Keene Open Meeting Act as the Stakeholders Committee is considered a "State body". The main point being, as this is an "open meeting" members should not participate in any discussions regarding Stakeholder issues in private (email, letters, conference calls, etc.) when a majority of the committee members are gathered. Members were provided a copy of the Bagley/Keene act prior to the meeting.

Question: How was the committee constituted?

Answer: representatives from small, medium, large water systems, academics, industry were solicited to join the committee.

Question: Can a substitute be sent to represent a committee member?

Answer: Yes

7. *Experience.* Tai Tseng asked that the allocation of experience hours be explained. It was noted that a compromise was made with regard to Chief and Shift operators and how they are awarded experience hours. For grades 3 through 5 if a shift operator is performing both treatment and distribution duties they are awarded up to 60 hours a week if their job description and letter from their supervisor justify it (the job description and letter must list both water treatment and distribution duties). A chief operator operating both Treatment and Distribution systems receives 80 hours or 40 hours a week for each operator function (if that person is the designated Chief Operator for both). Attendees commented that if an operator is doing both duties they should be given same credit for each. James Maughan disagreed and noted that operators do not necessarily perform both functions simultaneously.

Question: Can the compromise in regards to Chief and Shift Operators hours of experience be changed?

Answer: Possibly. The compromise was originally made with Stakeholder Committee agreement.

Question: Can Engineers receive hours of experience as an operator?

Answer: Section 63750.65 of the California Safe Drinking Water Act Regulations states: "Operator Experience" means the daily performance of activities consisting of the control or oversight of any process or operation at a water

treatment facility or in a distribution system for a specific period of the day.” DWOCP relies on an operator’s supervisor to provide information regarding the duties performed and the applications are reviewed on a case-by-case basis.

Question: Why can treatment operators perform distribution operator functions but not the reverse?

Answer: Section 63770. Distribution System Staff Certification Requirements states:

(c) Water systems shall utilize either certified distribution operators or treatment operators that have been trained to make decisions addressing the following operational activities:

1. Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.

2. Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.

(d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:

1. Determine and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.

2. Investigate water quality problems in the distribution system.

8. Operator Certification’s role in enforcement: Matthew Buffleben from the Office of Enforcement spoke about the Special Investigations Unit (SIU). The Waterboard has an enforcement and investigations unit that receives referrals from the general public, DDW staff, whistleblowers, DWOCP staff or anyone that has an issue with a water system. The investigators do not discuss the nature of the investigation with the Water System during the course of the investigation. The Drinking Water Program’s District Engineer is invited to SIU’s review of the water system.

Question: Can drinking water issue fines for violations?

Answer: Yes. See Article 9, Section 116650 of the California Safe Drinking Water Statutes for complete information on this issue.

9. Moving the program forward: Annette noted that the Drinking Water and Wastewater exams went off without incident. Exam results have been tabulated and were sent to operators ahead of schedule. There is a great deal of concern regarding the direction of the Drinking Water Operator Certification Program so the floor was open for questions.

Question: Is DWOCP moving towards mirroring the Wastewater Program?

Answer: The Waterboard will find efficiencies within both Wastewater and Drinking Water programs. The programs will mirror each other as much as possible however one program will not copy the other. The Waterboard is reviewing all aspects of the program however no immediate changes are forthcoming.

Question: Is there a timeline for integration?

Answer: Regulations take a long time to implement and Stakeholders will be informed and involved in the process.

10. Closing remarks. Annette thanked everyone for attending and asked if anyone had an item that they would like added to the next meeting agenda: exam content, retirement age analysis will be on the agenda. Exam results will be a permanent agenda item.
11. Schedule next meeting: The next meeting will be held on October 13, 2015, location and time TBD.
12. End of meeting.